

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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NAS SURETY GROUP,

Plaintiff,

v.

COOPER INSURANCE CENTER,  
INC. and MARK COOPER,

Defendants.

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Case No. 1:06-CV-818

Hon. Richard Alan Enslen

**ORDER**

This matter is presently before the Court on Plaintiff NAS Surety Group's Motion for Leave to File a Late Dispositive Motion. The Motion was filed on August 28, 2007 and asks for an "excusable neglect" extension from the July 31, 2007 deadline for filing dispositive motions. The reason for the extension is because the attorney (Kevin T. Kavanaugh) who previously managed the case scheduling for Plaintiff's counsel left the law firm of Alber Crafton, PSC during the summer of 2007 and Plaintiff's other attorneys did not recognize the deadline until a week after the deadline had passed. Defendants' counsel opposes the Motion given the continual appearance and participation of Phillip Alber for Plaintiff in these proceedings.

Notwithstanding, the Court finds that the law firm's reliance upon attorney Kavanaugh and the clerical errors that resulted therefrom constitute "excusable neglect" under Federal Rule of Civil Procedure 6(b)(2). *See Pioneer Inv. Servs. v. Brunswick Assoc. Ltd. P'ship*, 507 U.S. 380, 395 (1993); *In re Cendant Corp. Prides Litig.*, 233 F.3d 188, 196 (3d Cir. 2000). The receipt of the belated Cross-Motion for Summary Judgment will not delay the scheduled trial date and will better inform the Court's decision on Defendants' Motion for Summary Judgment filed on July 31, 2007.

**THEREFORE, IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to File Late Dispositive Motion (Dkt. No. 35) is **GRANTED** and the proposed late dispositive motion (proposed Cross-Motion for Summary Judgment) is **ACCEPTED** for filing.

DATED in Kalamazoo, MI:  
September 13, 2007

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE